



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/17/2013

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for Hillary Gitelman - Director
Planning, Building and Environmental Services

REPORT BY: RONALD GEE, PLANNER III - 707.253.4417

SUBJECT: HARTWELL VINEYARDS, LLC / ROBERT & BLANCA HARTWELL – HARTWELL VINEYARDS USE PERMIT MODIFICATION - USE PERMIT MAJOR MODIFICATION # P11-00389-MOD

RECOMMENDATION

HARTWELL VINEYARDS, LLC / ROBERT & BLANCA HARTWELL – HARTWELL VINEYARDS USE PERMIT MODIFICATION - USE PERMIT MAJOR MODIFICATION # P11-00389-MOD

CEQA Status: Subsequent Negative Declaration Prepared. New environmental effects resulting from proposed changes, altered conditions or new information are addressed in the Initial Study; there are no changes proposed in this project which require major revisions to the previous environmental document. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval to modify prior Use Permit # 95608-UP to: 1) Increase annual wine production from 12,000 gallons/year to 36,000 gallons/year; 2) Increase daily, appointment-only tours and tastings from three tours/16-people/day to five tours/24-people/day with pre-packaged or caterer-prepared food pairings; 3) Expand the winery marketing plan to increase the allowable number of people at catered events from one End of Harvest 16-20 person event to one with 20-40 persons; two Wine Release Events with 16-20 people to 80-100 people events; one holiday (Christmas) party with 30-36 people to one event with 80-100 people; no changes to the three Wine & Food events of 20-25 people or one Wine Auction Weekend event with 30-50 people are proposed; 4) Increase the days of operation from Wednesday-Sunday to Monday-Sunday; 5) Increase the number of employees from 3.5 full-time to 6 full-time and two part-time, up to 10 total; 6) Increase on-site parking from 10 to 23 spaces; and 7) Allow on-site sale and consumption of wine pursuant to AB 2004. No changes to the existing winery buildings, accessory-to-production use ratio or hours of operation are proposed. The project is located on an approximately 29.81 acre parcel on the west side of Silverado Trail, approximately 1.95 mile (10,315 feet) south of the intersection with Yountville Cross Road, 5795 Silverado Trail, Napa, CA 94558, APN 039-040-004.

Staff Recommendation: That the Planning Commission adopt the Subsequent Negative Declaration and approve the Use Permit Modification as conditioned.

Staff Contact: Ronald Gee, (707) 299-1351, ronald.gee@countyofnapa.org

Representative Contact: Sudhir Chaudhary, (707) 255-2729

EXECUTIVE SUMMARY

Proposed Actions

That the Planning Commission:

1. Adopt the attached Subsequent Negative Declaration, based on Findings 1-10 of Exhibit A; and
2. Approve Use Permit Major Modification # P11-00389-MOD based on Findings 11-15 of Exhibit A and subject to the recommended conditions of approval in Exhibit B.

Discussion:

Use Permit # 95608-UP was approved on August 21, 1996 for Hartwell Winery to allow a 12,000 gallons/year, 8,000 sq. ft. winery with 5,000 sq. ft. of cave barrel storage area and a 1,120 sq. ft. covered crush pad area. Retail sales, tours and tastings (with food pairings) were permitted by appointment only. On December 21, 1988, an earlier winery permit application by the previous property owner, Use Permit # U-508788, was withdrawn. This earlier application would have established a 36,000 gallons/year, 18,792 sq. ft. winery but the applicant was unable to address traffic safety and visitation concerns.

The current proposal would increase annual wine production from 12,000 gallons/year to 36,000 gallons/year. Daily, appointment-only tours and tastings would increase from three tours/16-people/day to five tours/24-people/day with pre-packaged or caterer-prepared food pairings. The winery marketing plan would be expanded to increase the allowable number of people at catered events from one End of Harvest 16-20 person event to one with 20-40 persons; two Wine Release Events with 16-20 people to 80-100 people events; one holiday (Christmas) party with 30-36 people to one event with 80-100 people; no changes to the three Wine & Food events of 20-25 people or one Wine Auction Weekend event with 30-50 people are proposed. The days of operation from Wednesday-Sunday would increase to Monday-Sunday. The number of employees would increase from 3.5 full-time to 4 full-time and three part-time, up to 10 total. On-site parking would increase from 10 to 23 spaces. The proposal includes on-site sale and consumption of wine pursuant to AB 2004. No changes to the existing winery buildings, accessory-to-production use ratio or hours of operation are proposed.

The updated Initial Study did not identify any new major project impacts for the winery project. The proposal complies with pending Air Quality and Greenhouse Gas standards under review by the County as part of its Clean Air Program. A Subsequent Negative Declaration is recommended for adoption.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Subsequent Negative Declaration has been prepared to update the Mitigated Negative Declaration previously adopted for the winery in August, 1996 as part of Use Permit # 95608-UP. Two mitigation measures adopted as

part of the Mitigated Negative Declaration addressed Geology and Traffic; as detailed in the new Initial Study, both mitigation measures have been implemented with construction of the winery building, cave and installation of a northbound left-turn lane on Silverado Trail. The new document identifies new baseline thresholds for winery operations and analyzes potential Air Quality impacts and Greenhouse Gas Emissions.

The proposed winery production increase, marketing plan and visitation expansion, minor employee and parking space increases and related improvements will not be located in any identified biologically or archaeologically-sensitive areas and will take place on previously-disturbed areas. New environmental effects resulting from proposed changes, altered conditions or new information were addressed in the Initial Study; there are no changes proposed in this project which require major revisions to the previous environmental document. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owners: Hartwell Vineyards LLC / Robert & Blanca Hartwell, (707) 255-4269

Representative: Sudhir Chaudhary, Chaudhary & Associates, Inc., (707) 255-2729

Zoning: AP (Agricultural Preserve)

General Plan Designation: AR (Agricultural Resource), Napa County General Plan, 2008

Initially Submitted: November 6, 2011 **Determined Complete:** February 6, 2013

Current Winery Size: Approximately 8,000 sq. ft. winery building, 5,000 sq. ft. of cave barrel storage area, 1,860 sq. ft. garage, 2,800 sq. ft. storage building and above-ground reservoir.

Proposed Winery Addition: None

Production Capacity: Existing - 12,000 gallons per year
Proposed - Increase to 36,000 gallons per year

Visitation: Increase daily, appointment-only tours and tastings from three tours/16-people/day to five tours/24-people/day with pre-packaged or caterer-prepared food pairings and allow on-site bottle consumption consistent with AB 2004.

Marketing: Expand the winery marketing plan to increase the number of people at catered events from one End of Harvest 16-20 person event to one with 20-40 persons; two Wine Release Events with 16-20 people to 80-100 people events; one holiday (Christmas) party with 30-36 people to one event with 80-100 people; no changes to the three Wine & Food events of 20-25 people or one Wine Auction Weekend event with 30-50 people.

Number of Employees: Increase the number of employees from 3.5 full-time and 8 part-time (harvest only) to 6 full-time and 2 part-time (up to 10 total).

Hours of Operation: 9:00 AM - 5:00 PM, Monday to Friday; Visitation from 9:00 AM - 4:00 PM, Tuesday to Saturday (no change).

Parking: Increase number of parking spaces from 10 to 23.

Adjacent Zoning / Land Use:

North: AP - 42.76 acres - Vineyards and Rural Residential

South: AP - 53.7 and 355.12 acres - Vineyards and Rural Residential

East: AP - 10, 10.3 and 37.78 and acres - Winery and Vineyards

West: AP - 53.7 acres - Vineyards and Rural Residential

Nearby Wineries (within one mile of the project site):

Steltzner Vineyards - 5998 Silverado Trail - 20,000 gallons per year - tours and tasting by appointment

Lindstrom Winery - 5994 Silverado Trail - 12,000 gallons per year - tours and tasting by appointment

Pine Ridge Winery - 5901 Silverado Trail - 150,000 gallons per year - no tours and tasting

Cavus Vineyards - 5860 Silverado Trail - 35,000 gallons per year - tours and tasting by appointment

Griffin Winery - 5850 Silverado Trail - 32,000 gallons per year - private

Stags Leap Wine Cellars - 5766 Silverado Trail - 300,000 gallons per year - public and by-appointment (2004 Modification)

Regusci Winery - 5584 Silverado Trail - 30,000 gallons per year - tours and tasting by appointment

Property History:

On December 21, 1988, an earlier winery permit application by the property owner, Use Permit # U-508788, was withdrawn. This earlier application would have established a 36,000 gallons/year, 18,792 sq. ft. winery but traffic safety and visitation concerns could not be addressed at that time.

Erosion Control Plan # ECP-90-58 was approved June 26, 1991 for an approximately 5.6 acre vineyard on the project site in two phases. Phase 1 site clearance and a temporary cover crop were completed in 1991; Phase 2 terracing and installation of permanent erosion control measures took place in 1992. Three subsequent modifications incorporated garage/barn (# 93007-ECPS), retaining wall (# 96622-ECPS), fire protection/winery water storage tank and access road construction (# 97146-ECPS) on the site.

Use Permit # 95608-UP was approved on August 21, 1996 for Hartwell Vineyards Winery to allow a 12,000 gallons/year, 8,000 sq. ft. winery with 5,000 sq. ft. of cave barrel storage area and a 1,120 sq. ft. covered crush pad area. Retail sales, tours and tastings (with food pairings) were permitted by appointment only. The winery operates five days/week from 9:00 am-5:00 pm with Tuesday-Saturday visitation from 9:00 am-4:00 pm. The permit included three daily tours with a maximum of 16 persons/tour allowed, averaging 8 people/day or 40 people/week. There were 3.5 full-time and 8 part-time employees (harvest only) with 10 parking spaces on-site. The winery's marketing plan included 8 annual events with one End of Harvest 16-20 person event; two Wine Release Events with 16-20 people; one holiday (Christmas) party with 30-36 people three Wine & Food events of 20-25 people and one Wine Auction Weekend event with 30-50, all catered.

Code Compliance History: Based on a review of the County Planning and Building files, one code violation was identified in 2011 related to conversion of storage space to an unauthorized use. The matter was resolved in a timely manner.

Discussion Point(s):

1. Proposal - The current request would increase annual wine production from 12,000 gallons/year to 36,000 gallons/year. Daily, appointment-only tours and tastings would increase from three tours/16-people/day to five

tours/24-people/day with pre-packaged or caterer-prepared food pairings. The winery marketing plan would be expanded to increase the allowable number of people at catered events from one End of Harvest 16-20 person event to one with 20-40 persons; two Wine Release Events with 16-20 people to 80-100 people events; one holiday (Christmas) party with 30-36 people to one event with 80-100 people; no changes to the three Wine & Food events of 20-25 people or one Wine Auction Weekend event with 30-50 people are proposed. The days of operation from Wednesday-Sunday would increase to Monday-Sunday. The number of employees would increase from 3.5 full-time to 4 full-time and three part-time, up to 10 total. On-site parking would increase from 10 to 23 spaces. The proposal includes on-site sale and consumption of wine pursuant to AB 2004. No changes to the existing winery buildings, accessory-to-production use ratio or hours of operation are proposed.

The Water Availability Analysis indicates that the 29.81 acre valley floor-area site is allotted 29.81 acre/feet (af/yr) of annual water use. Existing water use at the winery's current 12,000 gallons/year production rate has been 4.27 af/yr. With the proposed production increase to 36,000 gallons/year water use is expected to increase to 4.92 af/yr for the winery, including domestic (consisting of residential, winery staff, visitation and increased marketing amounts), landscaping and vineyard irrigation, an amount well below the 29.81 af/yr allotment.

2. Circulation - The applicant has submitted traffic data that concludes the winery will contribute to the overall traffic by 37 vehicle trips per day (12:00 PM peak trips) on weekdays and 26 vehicle trips per day (11:00 AM peak trips) on typical Saturdays. The proposed project includes up to 10 full-time and part-time employees, 30 busiest-day tours-and-tasting visitors and 36,000 gallons/year of production generating the 37 daily vehicle trips on weekdays and 42 trips on harvest-season days with no marketing events. The subject application also proposes marketing events, with up to 100 people at the largest event; at 2.8 persons per car that would add up to 90 additional trips on the day of a large marketing event. Public Works Department - Traffic Engineering staff determined that traffic volumes generated by this project are below the threshold that would require any changes to the existing, northbound left-turn pocket on Silverado Trail along parcel frontage. There will be no residual individually or cumulatively significant traffic impacts associated with this project as regards to traffic congestion and levels of service.

Approved as part of the original Use Permit in 1996, the existing on-site access is a 14-foot wide, single-lane roadway lined on either side with mature Italian Cypress trees with an entry gate. The Engineering Services Division is recommending conditions stating that the access drive must meet current "commercial drive" requirements of a minimum 18 feet road width with two feet of shoulder in accordance with *Napa County Roads and Streets Standards*. The applicant will comply with this requirement by either widening the existing roadway or creating a parallel roadway on the other side of one row of the trees. There is adequate off-road turnaround area between the gate and Silverado Trail roadway.

The Napa County Fire Marshal has reviewed this application and has identified no significant impacts related to the proposed emergency vehicle access.

3. Parking - This application identifies that there are 10 existing parking spaces on-site to accommodate the current number of employees and daily visitation by appointment. However, the last winery improvement site plan in Use Permit files shows 11 existing parking spaces. Other existing spaces now in use are proposed to be recognized, located both adjacent to the garage building and along the existing access roadway, between the winery building and storage structures. The net increase will be 13 "new" on-site parking spaces for increases in employees and visitors. The Division of Engineering Services has reviewed the winery's existing parking layout and recommends approval with standard conditions.

4. Visitation and Marketing - The proposal would increase daily, appointment-only tours and tastings from three tours/16-people/day to five tours/24-people/day with pre-packaged or caterer-prepared food pairings and allow on-site bottle consumption consistent with AB 2004. The winery marketing plan would be expanded to increase the number of people at catered events from one End of Harvest 16-20 person event to one with 20-40 persons; two Wine Release Events with 16-20 people to 80-100 people events; one holiday (Christmas) party with 30-36 people

to one event with 80-100 people; no changes to the three Wine & Food events of 20-25 people or one Wine Auction Weekend event with 30-50 people.

Staff has provided a table below comparing marketing and tours and tastings visitation at other wineries with annual production between 30,000 and 50,000 gallons per year. The proposed visitation program falls in the upper end amongst its peer group of wineries within this range of approved production capacity; for marketing events, the proposed 10 events are in the lower end.

Winery	Approved Production	Tours & Tastings	Tours & Tasting Avg/Week	Marketing Events per year*
Snowden Vineyards	30,000	By Appointment	6	no data
Corbett Vineyards	30,000	By Appointment	60	no data
Waug Winery	30,000	By Appointment	70	4
Hillview Vineyard	30,000	By Appointment	112	no data
Robert Foley Vineyards	30,000	None	0	no data
Toad Hall Cellars	30,000	None	0	no data
Fisher Winery	30,000	By Appointment	50	no data
Wallis Family Estate	30,000	By Appointment	108	no data
Sand Point Winery	30,000	By Appointment	112	15
Rogers Wienry	30,000	By Appointment	120	no data
Eagle Eye Winery	30,000	By Appointment	112	10
Rocky Ridge Winery	35,000	By Appointment	40	16
Napa Harvest Winery	36,000	By Appointment	70	0
Ceja Vineyards	45,000	By Appointment	168	21
Tom Eddy Winery	48,000	By Appointment	20	no data
Materra Winery	50,000	By Appointment	40	26
David Busby Winery	50,000	By Appointment	5	0
Lincoln Ranch Winery	50,000	By Appointment	300	34
ZL Winery	50,000	By Appointment	125	54
Shutters Winery	50,000	By Appointment	40	26
Herman Winery	50,000	By Appointment	10	10
Norman Alumbaugh Winery	50,000	By Appointment	168	8
B Cellars Winery	45,000	By Appointment	175	16
Hartwell Vineyards	36,000	By Appointment	168	10

* No Data Recorded - Attributed to Older Wineries with no marketing program proposed or approved

5. Greenhouse Gases/Climate Action Plan - The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's GHG Emissions and Reductions Summary Worksheet, which is attached to this report as part of the application materials. The applicant proposes to incorporate GHG reduction methods including future installation of solar panels, bicycle access and parking. Since 2005, Hartwell Vineyards has planted 35 trees to screen the barn including 4 olive trees and shrubs. Operationally, the winery uses state-of-the-art barrel steam cleaners. The project's 2020 "Business as Usual" emissions were calculated by Planning staff using California Emissions Estimator Model (CalEEMod) GHG modeling software, resulting in modeled 2005 annual emissions of 15 metric tons of carbon dioxide and carbon dioxide equivalents (MT CO₂e).

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO₂e. GHG Emission reductions from local programs and project level actions, such as application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to reduce emissions by 13% below "business as usual" level in 2020. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan.

6. Grape Sourcing - The Hartwell Vineyard Winery consists of three adjacent properties (APN 039-040-004, -025 and -026) with mature vineyards on parcels that are 29.81, 42.76 and 17.00 acres in size, respectively. The existing and proposed production increase from 12,000 gallons/year to 36,000 gallons/year has and will continue to be accommodated by existing vineyards and will comply with the 75% Napa Valley grape source requirement.

Consistency with Standards:

Zoning - A winery (as defined in Napa County Code Section 18.08.640) and accessory uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in the AP (Agricultural Preserve) District with a use permit. This winery complies with the Winery Definition Ordinance.

Fire Department - The Fire Marshal recommends approval with no new conditions in the attached December 20, 2011 memo.

Engineering Services Division (ESD) - The ESD recommends approval with standard conditions that address water, parking, access road and other site improvements. Please see the attached April 2, 2013 memo.

Public Works Department (PWD) - The PWD recommends approval with standard conditions in its October 8, 2012 memo.

Environmental Health Division (EHD) - The EHD recommends approval with standard conditions to allow catered food only for food and wine pairings. Updated permit applications for the winery's existing Hazardous Materials Business Plan / Business Activities Page and new septic system installation are required. Please see the attached March 28, 2013 memo.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Agency Comments
- D . Initial Study / Subsequent Negative Declaration
- E . Greenhouse Gas Emissions & Reduction Summary
- F . Existing Permits
- G . Application Materials
- H . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina